

REMARKS

The Applicant has filed the present Amendment and Response in reply to the outstanding Official Action of June 1, 2006, and the Applicant believes the Amendment Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

At the onset, Applicant notes that Claims 11 and 24 have been amended herewith. Specifically, the claims have been amended to emphasize that the calculated data parameters are based upon the calculated luminance distribution and not an average thereof. In the claimed invention, the parameter are based upon a reference histogram of standard luminance distribution positions and the calculated histogram data, the correction amount is a translation of the calculated histogram data.

No new matter has been added by way of the aforementioned amendment. For example, support therefor can be found at pages 18-21. Applicant submits that none of the references, taken alone or in any combination thereof teach the claimed calculation circuit or calculating step for calculating the correction parameters.

Takahashi discloses that in a histogram processing circuit 16, the luminance signals are input and then subjected to a histogram processing, so that histogram-data is generated. The histogram-data is read from the histogram processing circuit 16 by the CPU 22. An average luminance value is calculated on the basis of the histogram-data, and then the **average luminance value is compared with a reference value** stored in a memory. On the basis of the difference, the quantity of the illuminating-light radiating from the distal end of the light guide 32 is regulated, thus preventing a halation. See Col.

4. The reference teaches that the average of the luminance value is used to regulate the light.

In contrast, as recited in Claims 11 and 24, only the luminance distribution is calculated, eliminating a calculation of the average. Specifically, the color balance and brightness detecting circuit 37 detects (calculates) the histogram of the brightness (luminance) of the image. The color balance and brightness detecting circuit 37 then transmits the histogram to the correction amount calculating circuit 39. Reference data for a histogram of standard luminance distribution positions is previously stored in the correction amount calculating circuit 39, and correction amounts are calculated on the basis of this reference data and the histogram data. The correction amount is directly calculated from the luminance distribution and not an average thereof.

By using the differences from average luminance value, i.e., averaging histogram and comparing the average with a reference or another average value there is a potential that the proper correction will not be accomplished. A portion of the image might be too bright and a portion of the image might be too dark. In contrast, by using the claimed correction it is possible to correct the entire image without having this problem. This is because there is a direct comparison of individual luminance weighted values with respect to a reference histogram without averaging.

Accordingly, Applicant submits that Claims 11 and 24 are patentably distinct from the cited references, as the references, whether taken alone or in any combination thereof, teach, suggest or render obvious each and every limitation of the claims.

In the Official Action, Claims 14-16, 27, 29-32 and 36 are also rejected under 35 U.S.C. § 103(a) as being unpatentable over Gazdzinski in view of Takahashi.

Applicant respectfully disagrees with the rejections and traverses with at least the following analysis. Claims 14-16, 25, 27, 29-31 and 36 are patentable based upon their dependency from Claims 11 and 24, respectively, in view of the analysis set forth above.

With respect to Claim 32, in addition to being patentable based upon the reasons set forth above, Applicant submits that the claim is further patentable because Takahashi does not teach calculating the luminance distribution of green, blue, and red components of the image as recited. The reference solely teaches that the ratios of the R, B, and G signals should be balanced. However, the reference never mentions a luminance distribution for the R, B, and G signals. Accordingly, Applicant submits that Claim 32 is separately patentable from the cited references, since the cited references fail to teach, suggest or render obvious each and every limitation of the claim.

Claims 26, 28, 33-35 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Gazdzinski, Takahashi in view of Tanii et al., United States Patent No. 5,469,830 (hereinafter “Tanii”).

Applicant respectfully disagrees with the rejection and traverses with at least the following additional analysis. Tanii does not disclose or render obvious the claimed image position control or controlling the image modes based upon position.

Tanii discloses an electromotive warping type endoscope apparatus capable of avoiding a dangerous state realized due to the difference between the instructed quantity of the quantity of warp instruction means and the quantity of warp of the warp-enabled portion at the time of supplying power. In other words, Tanii teaches controlling the warping velocity and direction of warping of the endoscope based upon the position of the apparatus. The electromotive warping type endoscope apparatus also has a feature

that the movement of the endoscope image displayed on a display means is made constant so as to make the relationship between the warping operation and the quantity of warp to be easily recognized regardless of the given velocity at which the quantity of instruction of the quantity of warp instruction means.

Most of the figures of Tanii describe the control process for controlling warping, downward or upward warping and using the luminance data to determine the position. Figures 71 and 75-77 describe the image control. See also Cols. 58-62. However, the image corrections performed in Tanii is not the same as claimed in Claims 26 and 35.

Specifically, Claim 26 includes a limitation directed to transmitting a command for switching an **imaging mode** based on a position of said capsule medical device in the body cavity. The image mode is not changed in Tanii. At best, Tanii teaches maintaining a image centered. However, the mode is the same. In contrast, in the claimed invention the image mode is changed, e.g., **continuous verses single frame**.

Accordingly, Applicant submits that the cited references fail to teach, suggest or render obvious, each and every limitation of Claim 26 and, therefore, the claim is separately patentable from the cited references.

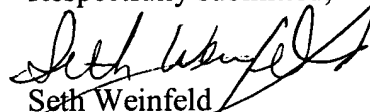
Similarly, Applicant submits that Tanii does not teach that the correction amount calculating circuit calculates a horizontal start position, a horizontal end position, a vertical start position and a vertical end position for the image sensor on the basis of the luminance distribution of the image, as recited in Claim 35. Accordingly, Applicant submits that Claim 35 is separately patentable from the cited references; the cited references fail to teach, suggest or render obvious, each and every limitation of the claim.

Claims 28, 33 and 34 are patentably based upon their dependency, whether directly or indirectly, from Claim 11.

Based upon the foregoing, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 11, 14-16, 24, and 26-36 pursuant to 35 U.S.C. § 103(a).

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,


Seth Weinfeld
Registration No: 50,929

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

SW:ae